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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

FROM: Tom Voltaggio, Director (3HW00)
Hazardous Waste Management Division

Marcia E. Mulkey (3RC00)
Regional Counsel

DEC 19 1991

TO: Edwin B. Erickson (3RA00)
Regional Administrator

RE: East Mount Zion Site
CERCLA §104(e) Unilateral Order for Access to Current
Owner

Attached for your review and signature please find a Unilateral Administrative Order to be issued to Ridge Developers, Inc. ("Ridge"), the current owner of the East Mount Zion Site ("Site"). The Site is located in Springettsbury Township, York County, Pennsylvania. The Order is being issued pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). Issuance of this Order will require the Respondent, Ridge, to grant EPA entry and access to the Site for the purpose of conducting the remedial design and remedial action, to abate, mitigate and/or eliminate the release or threat of release of hazardous substances at the Site.

EPA has repeatedly and unsuccessfully attempted to gain access to the Site by consent. Neither Nancy Rinehart, the president and sole officer of Ridge, nor L.C. Heim, counsel for Ridge, provided the information requested by EPA to gain access. On April 3, 1991 EPA sent to Mr. Heim a letter advising him that failure to provide the necessary information for access would be interpreted by EPA as a refusal of access. On May 15, 1991 EPA forwarded to Ms. Rinehart a letter again requesting access to the Site. EPA never received a response to this letter.

On May 20, 1991, Office of Regional Counsel received a letter dated March 11, 1991 from Nancy Rinehart alleging that she had transferred the Ridge property to EPA. Nancy Rinehart's failure to address the letter to any specific individual or employee of EPA may explain why the letter failed to reach the Office of Regional Counsel within a reasonable time. Enclosed with this letter was a copy of the property deed filed under EPA's name. After researching the question of whether a deed transferred to EPA without its knowledge is valid, ORC determined that the transfer was not valid since EPA never accepted delivery of the deed. We have referred the case to the Department of

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Justice ("DOJ") recommending that an action be filed against Ridge seeking, among other things, a declaratory judgment by the court that the transfer was invalid and that EPA does not own the property. Therefore, we recommend issuing this Unilateral Order in spite of the alleged property transfer to EPA.

On September 21, 1984, EPA placed the Site on the National Priorities List ("NPL"). The Site was a State-lead NPL Site that was funded through a Multi-Site Cooperative Agreement. From about February 1988 to about April 1989, PADER undertook a Remedial Investigation and Feasibility Study ("RI/FS") for the Site, pursuant to CERCLA and the NCP.

Pursuant to Section 117 of CERCLA, 42 U.S.C. § 9617, EPA published notice of the completion of the FS and of the Proposed Plan for remedial action on May 18, 1990, and provided opportunity for public comment on the proposed remedial action. The Record of Decision ("ROD") was executed on June 29, 1990. Special Notice Letters were sent to nine (9) potentially responsible parties. Since no good faith offer was received, EPA decided to conduct a Fund-lead remedial design and remedial action.

Under the attached Unilateral Order, Ridge must allow EPA and its officers, employees and designated representatives, including but not limited to, contractors and subcontractors, entry and access to the Site so that a remedial design can be conducted. All legal requirements for issuance of this Order under Section 104(e) of CERCLA have been met. Therefore, we recommend that you sign the Order.

Please contact Judith Hykel, Assistant Regional Counsel, at x8253 with any questions concerning this matter.

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